

# **SOUTH HADLEY PLANNING BOARD REGULAR MEETING**

## **MINUTES OF MAY 2, 2016**

**As Approved May 23, 2016**

**Present:** Jeff Squire, Chair; Mark Cavanaugh, Vice-Chair; Brad Hutchison, Member; Joan Rosner, Member; Melissa O'Brien, Member; Dan Dodge, Associate Member; and Richard Harris, Town Planner

Mr. Squire called the meeting into session at 6:30 p.m. He welcomed Brad Hutchison to the Board.

### **1. Planning Board Reorganization – Election of Officers**

Mr. Harris noted that the Board adopted a rotating system of officers three years ago but that last year the previous two years, Mr. Cavanaugh and Ms. Fantini opted to forego their year as chair and the Board voted to have everyone maintain their office. This year, Ms. Fantini has stepped down from the Board and Mr. Hutchison was elected to her place. Under the rotating system, Ms. Rosner – who is up for re-election next year (if she chooses to run) - would be considered for Chair, Ms. O'Brien for Vice-Chair, etc.

Mr. Hutchison inquired as to the duties of each of the officer positions. Mr. Harris summarized the functions.

Ms. Rosner indicated she was willing to serve as chair if Mr. Squire elected not to continue but she thought Mr. Squire was doing a terrific job as Chair and could remain if he so desired. Mr. Squire said he was willing to continue as Chair for one more year.

Similarly, Ms. O'Brien indicated she was fine with Mr. Cavanaugh remaining as Vice-Chair.

There was discussion as to whether to have a "Financial Secretary". Mr. Harris noted that this position no longer has anything to do because the budget is now the Town Administrator's budget proposal. All members indicated they did not see a need to appoint a Financial Secretary.

Mr. Harris noted that, with Ms. Fantini no longer on the Board, there is not an incumbent filling the Clerk's position. He suggested that is a position that should be filled. Ms. Rosner indicated she was willing to fill that position.

**Motion** – Mr. Cavanaugh moved and Ms. Rosner seconded the motion to appoint the officers as follows:

- Chair – Jeff Squire
- Vice-Chair – Mark Cavanaugh
- Secretary/Clerk – Joan Rosner
- PVPC Member – Mark Cavanaugh

The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

## 2. Minutes

### a. April 11, 2016 Planning Board meeting minutes

Mr. Harris referenced the draft minutes which he distributed. The Board members reviewed the draft minutes.

**Motion** - Ms. O'Brien moved and Ms. Fantini seconded the motion to approve the April 11, 2016 Planning Board Meeting minutes as submitted. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

## 3. Bills and Correspondence

Mr. Harris noted that he previously distributed a list of correspondence and referred to a list of Additional Correspondence. He also noted that there was one bill ready to be paid – Fuss & O'Neill, Inc. in the amount of \$3,123.00 for the Peer Review on the Mount Holyoke College project. Mount Holyoke College had put up a deposit in the amount of \$3,784.00 to cover the cost of the review – the cost was less than anticipated so funds will be refunded to Mount Holyoke College. Due to the timing of the bill, Mr. Harris stated he submitted the bill for processing but the Board should ratify the payment of the bill.

Mr. Squire asked about the process the Town uses for the Peer Review deposit – is there a proposal from Fuss & O'Neill, Inc. etc.? Mr. Harris stated that he requests a fee proposal from Fuss & O'Neill, Inc. and that is used to determine the amount of deposit an applicant needs to provide. He noted that if the cost is less than the deposit a refund is provided – as will occur in this instance. If Fuss & O'Neill, Inc. determines that the costs are going to exceed the original estimate, then the applicant is required to provide an additional deposit.

**Motion** - Ms. O'Brien moved and Ms. Rosner seconded the motion to ratify payment of the bill for Fuss & O'Neill, Inc. in the amount of \$3,123.00. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

## 4. Consider request to waive Special Permit requirement to alter/expand a nonconforming structure under Section 2(F) to allow for a larger sign at 55 School Street (Assessor's Map #5B, Parcel #24)

Mr. Harris reviewed the background of this item noting that the site of the sign is zoned "Residence B" which does not allow business signs. He also noted that the parcel has split zoning in that some of the property is zoned Business A. Therefore, the use is pre-existing and grandfathered. However, the existing sign is only 10 square feet and the proposed sign is approximately 18 square feet – an 80% increase.

Ted \_\_\_\_\_, manager of Jeff's Auto Repair explained the background on the business and reasons for requesting approval to install a larger sign. He noted that customers frequently have difficulty finding his place of business and drive up and down School Street before finding it. The proposed sign will have two faces – identical for view from each

direction – and will not be illuminated. His business is only open 8 am to 5 pm, Monday through Friday so that he does not disrupt the residential neighborhood.

Ted \_\_\_\_\_ stated that he originally proposed a larger sign but reduced to 18 square feet after being told what size sign was allowed. Mr. Harris clarified that the 18 square feet is the size that would be allowed if the property were in a business or industrial district.

Ms. O'Brien expressed concern that approval of this sign would set a precedent. She noted it is in a residential district – not a business district.

There was discussion about the issue of setting a precedent. Mr. Cavanaugh indicated, given the unique situation, that he did not see this as setting a precedent. Other members indicated they had reservations about the size of the sign but also recognized the unique situation. Mr. Harris inquired if reducing the height of the sign by 1 to 1-1/2 feet, which would result in assign of 12 or 14 square feet, would alleviate the concerns of setting a precedent while also allowing the applicant sufficient signage to be visible to customers.

Ted \_\_\_\_\_ commented that he could work with a shorter sign.

It was noted that the portion of the property in which the sign is located is zoned Residence B but the use of the property is grandfathered. There was discussion regarding the uses around the area – a car wash, another grandfathered commercial building, and an apartment building.

**Motion** - Mr. Cavanaugh moved and Ms. Rosner seconded the motion to 1) find that the replacement of the existing sign would not be significantly more detrimental to the surrounding residential neighborhood than the existing nonconforming sign if implemented as conditioned and 2) approve the request for a waiver of the Special Permit to alter a nonconforming sign by expanding it as requested, subject to the following conditions:

- a) The new sign is not exceed 3-1/2 in height and 4 feet in width or 14 square feet on each sign face and
- b) The applicant is to submit the revised plan to the Town Planner for determination that the proposed sign will conform to the Board's limitation on size.

The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

**5. Discussion and Consideration of Recommendation on proposed warrant article to reduce the length of future Planning Board terms.**

Mr. Harris stated that the Annual Town Meeting Warrant includes an article to change the length of terms for Planning Board members to 3 years. It will apply as positions come up for election. Thus, all current terms would continue to run their 5 year span but next year's election would be for a 3 year term and all elections subsequent (except to fill unexpired terms) would be for 3 year terms.

Mr. Harris noted that the Board had discussed this some time ago and indicated their support. Linda Young, at the time, requested that the Board have this matter on a future meeting

agenda for further discussion before Town Meeting. Therefore, he stated he placed it on this agenda and suggested that the Board should vote on a position regarding the article as Town Meeting members may ask for the Board's position.

Mr. Harris commented that, as stated at the previous meeting when this matter was discussed, people don't know how long they will be in a community. They no longer work for one company for their life time. He noted that, at the previous meeting, a member of the public – he thought Joanna Brown - had stated that employers do not make a life time or long term commitment to keep an employee. Thus, it is difficult for people to make a long term commitment to serve on a board.

Board members indicated that they felt 5 years was a very long time. There was discussion as to whether any other Boards – Conservation, Selectboard, etc. - have 5 year terms. Mr. Harris commented that he thought there was only one other local board – the Housing Authority – that had 5 year terms. Anything over 3 years is unusual for South Hadley.

**Motion** - Ms. O'Brien and Ms. Rosner seconded the motion to support the Warrant Article which seeks to reduce the Planning Board terms to 3 years beginning with each future election. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

## 6. Discussion of Subdivision Regulations

Mr. Harris reviewed the background on the Subdivision Regulations revisions project. He noted that the Subdivision Regulations date back to the mid-1950's and the last significant update was approximately 20 years ago. Therefore, it is past time for the Town to update the regulations. Most of the revisions, he suggested, were minor or technical in nature – such as changing the names of State agencies, the pipe specifications, referencing the Town's Stormwater Management Bylaw. However, he stated that there are some areas which have more policy issues associated with them:

- Roadway width
- Maximum length of dead-end roadway
- Placement of "trees"
- Sidewalk requirement
- Specifications for "Developments with more than one building for dwelling purposes on a single lot"

### Roadway width

Mr. Harris noted that the current requirement for a typical single-family subdivision is a pavement width of 24-28 feet. Over the years, prior Board members have indicated support for a lower minimum. The DPW Superintendent has indicated a need to have at least a 24 foot wide pavement.

Board members discussed the pros and cons of a narrower roadway. It was noted that narrower streets have a traffic calming effect. Other members commented that there are issues with on-street parking on narrower streets which impede emergency vehicles.

Ms. Rosner commented that Amherst has a minimum width of 18 feet without any significant issues. Mr. Squire suggested that the width of the road could be adjusted by the “intensity” of the adjoining development. He noted that Northampton has revised their requirements such that the roadway specifications vary depending on the intensity of the development.

Mr. Harris stated that an “intensity” based system makes sense and would address much of the concerns associated with narrower streets.

Maximum length of dead-end roadway

Mr. Harris stated that the current limit is 800 feet. However, the Board has waived that limitation at various times over the many decades the Town has had the requirement. He noted some examples of dead-end roadways which were built beyond the 800 foot limit. Thus, he suggested that it would seem to make sense to have the requirement reflect what the Board would like to have developed. All developers and most homeowners want a lot on a dead-end street.

Mr. Harris noted that the 800 foot limit was common at a time when the lot dimensional requirements in the Zoning Bylaw were less than they are today. Thus, an 800-foot long roadway may have generated 16 to 24 lots. But, with much of the future subdivision development likely to occur in Residence A-1 and Agricultural districts, the yield for an 800 foot long roadway is much less – possibly 8 to 14 lots. He suggested that this could be tied to intensity of development as well.

Several Board members questioned the need to have any limit. Mr. Harris suggested that some reasonable limit should be established and maintained as some developers will try to build as long of a dead-end roadway with more dead-ends leading off of it as possible.

Board members generally indicated that they agreed with tying the length of the roadway to the number of lots and intensity of development – at least in part.

Placement of “trees”

Mr. Harris noted that this matter had been discussed when considering the status of several subdivisions. The current regulations require “two trees per lot”. While these are to be “street trees”, the regulation does not specify where the trees are to be located and allows use of existing trees to meet the requirement. The regulations should also clarify if the requirement is 2 trees on each lot or is just ratio of two trees for each lot in the subdivision.

Mr. Squire stated that there should be two trees per lot – not necessarily in front of each lot – but they should be in the right of way (or what is to become the right of way). There was discussion as to the issues associated with trees in the right of way. Ms. Rosner commented that a previous Tree Warden had suggested that shrubs would have the same benefits as trees without the issues of interference with utilities. Several persons expressed doubts that the environmental benefits would be as significant.

Several Board members suggested that there need to be some minimum size of trees.

Ms. O'Brien inquired if other communities require protection of existing trees. She expressed concern that the developers clear the site completely and no trees of any significance – if any – are left. Plantings tend to be small and take many years to become mature. Mr. Squire confirmed that some places do require identification and protection of “significant” trees.

Sidewalk requirement

Mr. Harris stated that there are several aspects of the sidewalk requirements which need to be considered. Currently, the regulations call for a sidewalk on one side of the street but provide that the Board may require a sidewalk on both sides. There is also a provision allowing the Board to waive the requirement and for the developer to pay into a fund as part of the waiver. One of the questions that also gets raised is on which side of the street should the sidewalk be located.

He suggested that the provision requiring the Board to mandate sidewalks on both sides of a street puts the burden on the Board to find a compelling reason to mandate the additional sidewalk. Thus, he opined that the requirement should be to have sidewalks on both sides and allow applicants request a waiver.

The Board of Health Director has indicated she does not think that there should be any waivers of the sidewalk requirements – all streets should have a sidewalk. However, Mr. Harris suggested that this leads to “sidewalks to nowhere” unless the Town is going to build a system of sidewalks on all roadways. He commented that a waiver provision could allow for a more creative approach to meeting the pedestrian and interconnectivity concerns.

Mr. Cavanaugh commented that there is only so much that can be put into a 50 foot right of way. He noted that utilities, sidewalks, trees all take up space.

Several Board members indicated they could support requiring the sidewalks on both sides of the streets as long as the waiver provision is retained and the waiver is linked to the intensity of development. There was discussion regarding the relationship between street width, length, intensity of development, and the need (or lack of need) for sidewalks.

Specifications for “Developments with more than one building for dwelling purposes on a single lot”

Mr. Harris noted that he had previously advised the Board that the way the regulations are written, “developments with more than one building for dwelling purposes on a single lot” are required to obtain approval under the regulations. However, there are specific requirements that do not apply to such developments (since they are not a “subdivision”):

- Minimum width of roadway – none specified (Section 7.01.2)
- Maximum grade – none specified (Section 7.01.3)
- Horizontal alignment – none specified (Section 7.01.4)
- Maximum driveway apron – none specified (Section 8.04)
- Street trees – none required (Section 8.10.1)

For the most part, it would seem that the requirements for this type of development should mirror that of the residential subdivision. However, if the development is significantly denser than a residential subdivision, he suggested that more intense requirements would seem appropriate. But, in any event, he suggested that the regulations need to ensure that these types of developments have standards.

A member inquired as to an example of this type of development. Mr. Harris suggested that most of the multifamily developments would be examples – Pine Grove, Jacob’s Edge, Rivercrest, etc. However, Hubert Place which is just one building would not be an example.

Mr. Harris noted that when the “Castle” was being considered for a condo development, the issue of the grade of the access road was raised because everyone thought the Subdivision Standards applied. However, that was not the case – they could have used any grade which worked for them.

Board members indicated that they concurred that some appropriate standards should apply.

Mr. Harris suggested that the current regulations have a Type “A” and Type “B” subdivision dichotomy. He is looking at a Type “C” and Type “O” developments to address some of the issues noted with the regulations.

## **7. Discussion of Design Review**

Mr. Harris noted that the Board decided that work on Design Review would be one of the priorities for the next year or so. Therefore, he provided an overview of some of the research he has conducted on Design Review in Massachusetts. He noted a number of questions and issues which the Board needs to address in crafting a Design Review Bylaw:

### **Geographical Scope**

- Town wide Design Review?
- Or, limiting the Design Review to selected areas/corridors?

### **Topical Scope**

- Cover all types of development?
- Or, limiting the Design Review to commercial/industrial and Special Permit allowed uses?

### **Type of Bylaw**

- General Bylaw?
- Or, Zoning Bylaw provision?

### **Jurisdictional Scope**

- Should Design Review and Recommendations be mandatory?
- Or, should the Design Review and Recommendations be only advisory on all parties?
- Or, should this depend on the type of project or its location?

#### Institutional Placement

- Administered by the Planning Board?
- Or, a separate committee?

#### Separate Committee

- If a separate committee, then who should be on the Committee?
- Should there be specific skills, education, and training?
- Should the Town Planner or Building Commissioner be a “voting member”?

#### Appointing Authority

- Should the Selectboard appoint the members?
- Or, should the Planning Board appoint the members?

#### Role of the Design Standards

- Mandatory?
- Suggestive?

#### Structure of the Design Standards

- Should the standards be detailed?
- Should detailed standards be incorporated into the Bylaw?
- Or, should the Bylaw establish clear but succinct “guidelines or principles” and authorize the Design Review Authority to develop more detailed standards?

In reviewing the research on 9 different communities in Massachusetts, Mr. Harris noted the wide range of approaches taken on these various questions. Therefore, he suggested that, over the next 3-4 months, the Board should address how they want the Bylaw to address each of these issues/questions and meet South Hadley’s needs.

Mr. Hutchison suggested that he has a working relationship with one person on three of the Boards in the Western Mass Region. Therefore, he offered to reach out to them and see what insights their experiences would offer. All members indicated that would be helpful.

### **8. Development Update and Planner’s Report**

Mr. Harris reviewed the status of various developments and recent Planning Department activities:

#### *a. Development Report*

- One Canal Street (no change)
- Mountainbrook Street Acceptances (no change)
- Rivercrest Condominiums (Discussed previously)
- Ethan Circle. The developer’s contractor has begun preparation for the site work; Mr. Harris noted that there seems to be an issue with how the silt fence is installed. Based on comments from the Conservation Commission Administrator it raises doubts as to the effectiveness during a heavy rain and what is going to be done after the project is constructed. He described how the fence apparently has been installed. He stated he will review the site on Tuesday. He also noted that the abutting owner is not complaining although he has said he wonders about the installation.



- Adam & Eve Estates subdivision. Mr. Harris stated he has released the Performance Guarantee.
- Annafield Estates subdivision (no change)
- Western Mass Yacht Club – potential Special Permit (no change – no application has been received)
- South Hadley/Granby Chamber of Commerce – potential Special Permit (no change – no application has been received). Ms. Rosner stated that Dale Johnston told her they will be applying but not at this time.
- Zoning for small domesticated pets – pot belly pigs, miniature goats, etc. – Mr. Harris reviewed some of the research he has conducted on this issue, particularly how Amherst and Northampton have addressed the issue.

*b. Other Projects*

- Housing Studies. Mr. Harris noted that the PVPC staff will be at the May 23<sup>rd</sup> meeting to review these projects.
- Mount Holyoke College Intern Opportunity (Mr. Harris stated a student intern from the Environmental Sciences department is continuing to work on creating shape files necessary to make the online zoning map complete.)
- Mr. Harris stated that he is continuing to participate with the Bike/Ped planning process; work on the Permitting Guide; and monitor the work on the General Code codification project.
- Health Impact Assessment. The PVPC staff person on this project will be meeting with the Board in June.
- Zoning Bylaw. The Zoning Bylaw has been updated to reflect the most recent amendments. The new Bylaw is on the website and a hard copy has been given to each member.
- South Hadley Falls Smart Growth District. The Adopted Guidelines have been posted on the Town's website.
- South Hadley Falls Smart Growth District. He noted that this matter will be discussed under Agenda Items #6 and #7.

*c. Workshops/Training Opportunities*

- Mr. Harris stated that he will be attending the “Massachusetts Association of Planning Directors Annual Conference” being held May 19-20, 2016.
- Massachusetts Housing Partnership Housing Institute being held June 14-15, 2016.

**9. Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)**

Mr. Cavanaugh inquired about the status of the 40R incentive payment, the former library project, and the One Canal Street project.

Mr. Harris stated that the Town is expecting to receive its payment of \$350,000 this week. As to the other projects, he has not been made aware of any change, but he will research the projects.

## 10. Adjournment

**Motion** – Ms. Rosner moved and Ms. O’Brien seconded the motion to adjourn. The Board voted **Five (5)** out of **Five (5)** members present in favor of the motion.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

**AS APPROVED**

Richard Harris, Recorder

### Attachment A

#### List of Documents Reviewed in May 2, 2016 Planning Board Meeting

<u><b>Document</b></u>	<u><b>Record Location</b></u>
Planning Board Meeting Agenda and Background Information	Planning Board Agenda Packet Files
Zoning Bylaw	Planning Board Files
South Hadley Master Plan	Planning Board Files
55 School Street Sign Proposal submittal	Planning Board Project Files